

III REMARKS

Claims 1-13,17-20 and 22-24 are pending in the application.

Claims 1,2,5,6,8,9,18 and 19 have been allowed.

Claims 3,4,7,10-13,17,20 and 22 have been rejected.

Claims 14-16 and 21 have been canceled.

Item numbers refer to corresponding numbered paragraphs in the Office Action.

Item 3. Claims 3, 4, 7, 12, 17, 20 and 22 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specific objection is to the use of the term "heavy" in the claims.

The term "heavy" has been deleted in claims 3, 7, 12, 17 and 22 to overcome Examiners objections.

The preamble of claim 12 has been amended to agree with that of claim 10 from which it depends.

Item 5. Claims 10, 11 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 1,634,595 to Price. The Examiner states that:

The lower section is hinged to a base at 23. The group of sections is raised to the vertical and then the upper sections are further vertically extended.

The sections are then secured in the vertical position.

Claims 11 and 13 are dependent upon claim 10. Claim 10 has been amended to more clearly specify the actual location of the upper section lift point and the lower section lift point.

The distinguishing language is as follows:

a lower section lift point located on the lower section between a mid-point of said lower section and the hinged end that hinges the two sections together

said upper section having an upper section lift point located on the upper section between a mid-point of said upper section and said tower top

Pierce discloses a collapsible mast, which is hoisted manually, and therefore has no necessity for lift points to which a crane can be attached as disclosed in applicant's specification on page 6:

A telescoping crane 216 is attached to the lower section lift point 218.

The crane 216 is attached to the upper lift point 220

Item 6. Claims 12 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 1,634,595 to Price. The Examiner states that:

Price fails to provide that a heavy load is installed on the upper section of his tower. It would have been obvious at the time of the invention to one having ordinary skill in the art that a load could have been placed upon the tower of Price as it is well known in the art to attached loads such as telecommunications equipment at the top of the extended masts/towers. The term "heavy" is a relative term which has not been adequately defined.

The term "heavy" has been deleted in claims 12 and 17 to overcome Examiners objections.

Item 7. Claims 1, 2, 5, 6, 8, 9, 18, and 19 have been allowed.

Item 8. Examiner has indicated that Claim 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The term "heavy" has been deleted in claim 22 to overcome Examiners objections and is therefore deemed allowable.

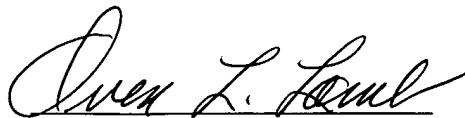
Item 9. Examiner has indicated that claims 3, 4, 7, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The term "heavy" has been deleted in claims 3 and 7 to overcome Examiners objections and are therefore deemed allowable.

Claims 4 and 20 are dependent upon claim 3, which is now deemed allowable. Claims 4 and 20 are therefore also deemed allowable.

Re-examination and allowance of claims 1-13,17-20 and 22-24 is respectfully requested.

Respectfully submitted,



Owen L. Lamb, Reg. #20,831

Attorney for applicant

Phone/fax: (928) 776-8037

Date: February 18, 2005

PO Box 386

Prescott, AZ 86302-0386